

# PLANNING COMMISSION AGENDA

Wednesday, February 28, 2007

6:30 p.m. Regular Meeting

**Council Chambers**City Hall Wing

200 East Santa Clara Street San Jose, California

Xavier Campos, Chair James Zito, Vice-Chair

Christopher Platten
Ash Kalra
Matt Kamkar
VACANT

Joseph Horwedel, Director Planning, Building and Code Enforcement

#### NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

# NOTICE TO THE PUBLIC

Good evening, my name is **Xavier Campos** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of *Wednesday*, *February 28*, *2007*. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers. If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the AV technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4a, not PD06-023.** 

The procedure for this hearing is as follows:

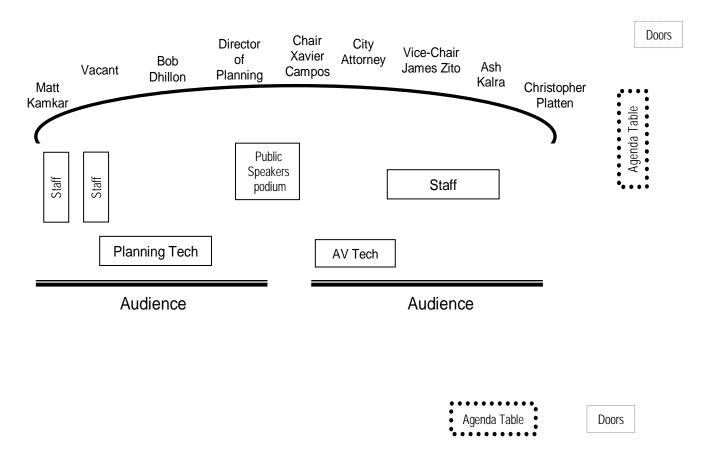
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

**Note:** If you have any agenda questions, please contact Olga Guzman at <u>olga.guzman@sanjoseca.gov</u>

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at <a href="https://www.sanjoseca.gov/planning/hearings/planning\_com.asp">www.sanjoseca.gov/planning/hearings/planning\_com.asp</a>.

Audio for the Planning Commission hearings are recorded and broadcast live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website: <a href="http://sanjose.granicus.com/ViewPublisher.php?view\_id=17#planningCommission">http://sanjose.granicus.com/ViewPublisher.php?view\_id=17#planningCommission</a>.

If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

# AGENDA ORDER OF BUSINESS

# 1. ROLL CALL

# 2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

a. CP06-034. Conditional Use Permit to allow conversion of an existing single-family residence to a Residential Care Facility for up to 12 residents and 2 staff on a 0.20 gross acre site in the R-M Multiple Residence Zoning District, located on the east side of N 5th Street approximately 500 feet south of Washington Street (341 N 5th ST) (Okon and Ini Uboh, Owner). Council District: 3. SNI: 13th Street. CEQA: Exempt.

# Deferred to March 14, 2007.

b. PDC06-040. Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 67 single-family attached and detached residences on a 3.48 gross acre site located on the south side of William Street, approximately 350 feet westerly of South 24th Street (1090 East William Street) (22nd & William Street, Owner). Council District 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Mitigated Negative Declaration.

Deferred to March 14, 2007.

# 3. CONSENT CALENDAR

#### NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

a. PDC06-095. Planned Development Rezoning from the IP – Industrial Park Zoning District to the A (PD) Planned Development Zoning District to allow approximately 24,000 square feet of commercial uses, located on the southerly side of Silver Creek Valley Road, at the southerly terminus of Fontanoso Way (RBR Silver Creek). Council District 2. SNI: None. CEQA: Edenvale Redevelopment Expansion Area EIR Resolution No. 70021.

#### **Staff Recommendation:**

Recommend to the City Council approval of a Planned Development Rezoning from the IP – Industrial Park Zoning District to the A (PD) Planned Development Zoning District to allow approximately 24,000 square feet of commercial uses as recommended by Staff.

The following items are considered individually.

# 4. PUBLIC HEARINGS

a. PDC06-022. Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 100 multi-family residences on a 0.75 gross acre site, located at/on the east side of North 4th Street, approximately 600 feet northerly of Gish Road (1470 N 4TH ST) (Owner/Developer; First Community Housing Inc). Council District 3. SNI: None. CEQA: North San Jose Area Development Policy EIR Resolution No. 72768.

#### **Staff Recommendation:**

Consider the Environmental Impact Report in accordance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 100 multi-family residences as recommended by Staff.

b. <a href="PDC04-014">PDC04-014</a>. Planned Development Rezoning from A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow one single-family detached residence on an 8.3 gross acre site, located at the southeasterly terminus of Miracle Mountain Drive (Sanfilippo Trust Estate, Owner). Council District 10. SNI: None. CEQA: Draft Mitigated Negative Declaration.

#### **Staff Recommendation:**

Consider the Mitigated Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow one single-family detached residence as recommended by Staff.

c. <u>Certification of the Final Environmental Impact Report</u> for the Baseball Stadium in the Diridon Arena Area Project (City File No.PP05-214). The project analyzed by the Environmental Impact Report is an approximately 1.5 million square foot, 45,000 seat openair major league baseball stadium, a parking structure and a future commercial development on an approximately 23.1 acre site. SCH. No. 2005112126. Council District 6.

#### **Staff Recommendation:**

Certification of the Final Environmental Impact Report for the Baseball Stadium in the Diridon Arena Area Project as recommended by Staff.

d. <u>SP02-006</u>. APPEAL of the Planning Director's decision to deny a Special Use Permit to legalize the addition of an unpermitted 200 square foot storage room to an existing single-family detached garage on a 0.18 gross acre site, in the R-1-8 Single-Family

Residence Zoning District, located on the east side of McLaughlin Avenue approximately 250 feet south of Appian Lane (730 MCLAUGHLIN AV) (SNYDER MARIA T, Owner). Council District 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Exempt. Deferred from 11-15-06.

#### **Staff Recommendation:**

Uphold Director's decision to deny a Special Use Permit to legalize the addition of an unpermitted 200 square foot storage room to an existing single-family detached garage as recommended by Staff.

# 5. <u>PETITIONS AND COMMUNICATIONS</u>

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
  - 1. Responding to statements made or questions posed by members of the public; or
  - 2. Requesting staff to report back on a matter at a subsequent meeting; or
  - 3. Directing staff to place the item on a future agenda.

# 6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

# 7. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' reports from Committees:
  - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).
  - Coyote Valley Specific Plan (Platten)
  - Parks Funding Subcommittee (Zito)
- c. Review of synopsis
- d. Consider study session dates and/or topics

# 8. ADJOURNMENT

# 2007 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 31	6:30 p.m.	Regular Meeting	Council Chambers
Mon. February 12	6:30 p.m.	Regular Meeting	Council Chambers
February 28	6:30 p.m.	Regular Meeting	Council Chambers
March 14	5:00 p.m.	Study Session Coyote Valley Specific Plan EIR	T-332
March 14	6:30 p.m.	Regular Meeting	Council Chambers
March 28	5:00 p.m.	Study Session Meeting Procedures and Commission Role	T-332
March 28	6:30 p.m.	Regular Meeting	Council Chambers
April 11	6:30 p.m.	Regular Meeting	Council Chambers
April 25	5:00 p.m.	Study Session Level of Service Policy	T-332
April 25	6:30 p.m.	Regular Meeting	Council Chambers
May 2	5:00 p.m.	Study Session Review Capital Improvement Program	T-1654
May 2	6:30 p.m.	Regular Meeting	Council Chambers
May 16	6:30 p.m.	Regular Meeting	Council Chambers
May 30	5:00 p.m.	Study Session	T-332
		Economic Development/Retail Strategy	
May 30	6:30 p.m.	Regular Meeting	Council Chambers
June 13	6:30 p.m.	Regular Meeting	Council Chambers
June 27	5:00 p.m.	Study Session Coyote Valley Specific Plan EIR	T-332
June 27	6:30 p.m.	Regular Meeting	Council Chambers
July 18	6:30 p.m.	Regular Meeting	Council Chambers
August 8	6:30 p.m.	Regular Meeting	Council Chambers
August 22	6:30 p.m.	Regular Meeting	Council Chambers
September 12	6:30 p.m.	Regular Meeting	Council Chambers
September 26	6:30 p.m.	Regular Meeting	Council Chambers
October 10	6:30 p.m.	Regular Meeting	Council Chambers
October 24	6:30 p.m.	Regular Meeting	Council Chambers
November 7	6:30 p.m.	Regular Meeting	Council Chambers
November 14	6:30 p.m.	Regular Meeting	Council Chambers
November 28	6:30 p.m.	Regular Meeting	Council Chambers
December 5	6:30 p.m.	Regular Meeting	Council Chambers
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